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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,582	08/16/2006	Hiroshi Kigawa	295038US3PCT	2729
22850	7590	12/09/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			WILLIAMS, THOMAS J	
1940 DUKE STREET				
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			3657	
			NOTIFICATION DATE	DELIVERY MODE
			12/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/589,582	<b>Applicant(s)</b> KIGAWA ET AL.
	<b>Examiner</b> Thomas J. Williams	<b>Art Unit</b> 3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 August 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10,11,19,20 and 22 is/are rejected.
- 7) Claim(s) 12-18 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statements (PTO/SB/08)  
 Paper No(s)/Mail Date 8/16/06; 1/30/08
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Acknowledgement is made in the receipt of the oath, the priority papers, the preliminary amendment and information disclosure statement filed August 16, 2006, and the information disclosure statement filed January 30, 2008.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 73a does not appear in figure 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claim 22, specifically an elevator, power supply and battery must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 60-179535 A to Shimazaki.

Re-claims 10 and 11, Shimazaki discloses a braking device, comprising: a moveable plunger 11a/11b; a braking mechanism 16; a mechanical first drive mechanism 21, element 21 moves the plunger in a reverse direction to that of an electromagnetic second drive mechanism 8. This reverse movement can occur in a middle of a moveable range of the plunger.

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6. Claims 10, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,739,610 to Nemoto et al.

Re-claim 10, Nemoto et al. disclose a braking device, comprising: a moveable plunger 3/8; a braking mechanism 44/45; a mechanical first drive mechanism 5, element 5 moves the plunger in a reverse direction to that of an electromagnetic second drive mechanism 2/4. This reverse movement can occur in a middle of a moveable range of the plunger.

Re-claims 19 and 20, the spring associated with manual release 47 opposes spring 5.

7. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by US 2,663,387 to Berkovitz.

Re-claim 10, Berkovitz discloses a braking device, comprising: a moveable plunger 44; a braking mechanism 22; a mechanical first drive mechanism 54, element 54 moves the plunger in a reverse direction to that of an electromagnetic second drive mechanism 42. This reverse movement can occur in a middle of a moveable range of the plunger.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berkovitz in view of Shimazaki.

Berkovitz fails to teach the spring mechanism as a belleville spring. Shimazaki teaches a belleville spring 21 for opposing the electromagnetic operation. It would have been obvious to one of ordinary skill in the art to have replaced the coil spring of Berkovitz with a belleville spring of the type taught by Shimazaki, as this would have reduced the overall size of the spring component while maintaining the same operation.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki in view of US 5,945,644 to Jang.

Shimazaki fails to teach the elevator brake apparatus comprising an emergency battery for moving the elevator to a nearest floor and power supply associated with the emergency battery. Jang teaches an elevator system having an emergency battery 20 and power supply 19 for providing power to the elevator controls for moving the elevator to a nearest floor, see column 5 lines 41-63. It would have been obvious to one of ordinary skill in the art to have provided the apparatus of Shimazaki with an emergency battery and power supply as taught by Jang, thereby enabling the safe operation of the elevator during periods of power outage.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berkovitz in view of Jang.

Berkovitz fails to teach the elevator brake apparatus comprising an emergency battery for moving the elevator to a nearest floor and power supply associated with the emergency battery. Jang teaches an elevator system having an emergency battery 20 and power supply 19 for providing power to the elevator controls for moving the elevator to a nearest floor, see column 5 lines 41-63. It would have been obvious to one of ordinary skill in the art to have provided the apparatus of Berkovitz with an emergency battery and power supply as taught by Jang, thereby enabling the safe operation of the elevator during periods of power outage.

*Allowable Subject Matter*

13. Claims 12-18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dillon, Lister, Hori et al., Cervenec et al. and De Angelis each teach a spring applied electromagnetic released brake.

15. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/  
Primary Examiner, Art Unit 3657

December 3, 2008